

Nature Pointe Board Meeting
Board Minutes Monday, December 20, 2010, 6 p.m.
Nature Pointe Clubhouse

Board members present: Alex Leonard, President; Bryan Burns, Treasurer; Karen Leach, Secretary; Dave Ashworth and Debbie Leonard

Invited guests: Karen Palmer, Clubhouse Manager & Event Coordinator and Jeff Palmer, Clubhouse Manager & Maintenance

Call to Order:

Alex Leonard, President, called the meeting to order at 6:09 p.m.

Flag Pole

Karen Leach presented the results of HOA Opinion Poll, which were tabulated by Chet Leach — no lot numbers were disclosed:

16 of the 53 lot owners responded (30%)

Each lot has two votes

21 voted (66%) For, 9 voted (28%) Opposed and 2 (6%) voted No Preference

Results will be posted on the website and sent in an e-mail to HOA members. Dave emphasized that only the American Flag is protected by Federal Law and we need to provide a means for residents to display this flag. Discussion followed concerning the process of ACC approval for a flagpole.

Karen L. moved to allow flagpoles to be in compliance with the Federal Law to allow the current United States flag to be flown no taller than the average height of a heated structure and within 30 feet of the front door. Alex second the motion, 2 Board members in favor and 3 oppose, motion denied. Dave moved to allow a staff attached to a heated structure to be in compliance with the Federal Law to allow the current United States flag to be flown. Bryan seconded the motion, 3 in favor and 2 oppose, motion passed.

Residents, therefore, need to request ACC approval for a flagpole that is not attached to the house per Covenants, 13. Architectural Control Committee, 13.2.3, page 33, "ACC . . . regulation . . . to construction reconstruction, exterior addition, . . . not limited to, the nature, kind, shape, height, materials, exterior color, surface texture, and location of any such improvement, exterior artwork and works of art visible from any other Lots or Common Areas, including, but not limited to, sculpture and statues."

Website

Bryan said the 2nd quarter financial statements are on the website and he will soon post the 3rd quarter statements, which also were distributed at the 12/19/10 HOA meeting. He will ask Josie Aragon for assistance in putting the HOA and board meeting minutes on the website. Karen Palmer will write the Clubhouse rental policy for HOA members and outside user groups, which will also be posted on the website.

HOA Annual Meeting & Election of Board Member

The HOA Annual Meeting will be held on Sunday, February 20, 2010, including the election of a Board member for a term of two years (*Bylaws, Article III, (e) Election and Term of Office, (i), page 6*). The Nominating Committee (*which will be the Board members; decided at the last Board meeting*) nominated Karen Leach to run for an "elected" position on the Board. Karen agreed. Dave Ashworth was selected to serve as Chair of the Nominating Committee, replacing Karen L., who was selected at the last Board meeting.

Bylaw procedures will be followed for the election of a Board member: Article II, Association Membership, Voting, Meetings, Quorum, Proxies, 2.9, Proxies, page 4, "Members may vote in person or by proxy. No proxy shall be valid unless signed the by Owner or Owner's duly authorized attorney-in-fact, dated, and filed with the Secretary of the Association prior to any meeting for which is to be effective. Dave Ashworth was selected to serve as Association Secretary, replacing Karen Leach, until the election of a Board member. Proxy votes must be received prior to the Annual Meeting by 4 p.m. on Sunday, February 20, 2010.

Secret ballots will be used at the Annual Meeting and handed to each member once their voting eligibility has been confirmed. Karen Palmer will verify the number of lots/HOA members who are not eligible to vote per Covenants, 3, Rights of Enjoyment, 3.1.4, page 7, "The right of the Board to suspend the right of an Owner's voting rights during any time in which any Assessment . . . remains unpaid and delinquent . . ." All ballots received via proxy or at the meeting will be counted by Dave Ashworth and a non-board member. All ballots must have lot numbers and be signed by the HOA member.

An e-mail will be sent to HOA members in January explaining the election process per Bylaws, 2.6, Notice of Meetings, page 3, "Written notice stating the place, day and hour of any meeting of the members shall be delivered by mail . . ., not less than 10 nor more than 50 days . . ."

Solar Systems

John Lionbarger submitted a written Property Improvement Application to the ACC for his proposed solar system. The ACC will meet with Lionbarger's to review their plans.

Response to HOA Member Questions

Karen L. asked Board members to review and give feedback to her by the end of December on the Board's draft response to the letter submitted by Gary and Susan Clark, Buck Dewey, Cynthia Heins, Tom and Tina Armijo, and Tony and Josie Aragon. All agreed to do so.

Property Improvement Application and General Covenants

The ACC Property Improvement Application has been finalized. The form is available on the website and Karen P. has copies in the Clubhouse office.

Change in language in the Covenants, 4. Permitted Uses and Restrictions, 4.6.3, Building Size, page 10, needs to be filed with the State: the minimum square footage of a home changed from 2,400 square feet to 2,000 square feet.

It was noted that the language throughout the Covenants should be changed to "all Phases" rather than Phase I and Phase II since Phase II was split into sections.

Bids for Annual Review/Audit

Bryan received a quote from Farley Vener, CPA, for \$4,200 to do a financial review and \$8,500 to do an audit. He requested bids from several other CPA's and will follow-up with them. Farley Vener said we will be required to file tax form 990 or 990T rather than tax form 11-28 or 11-20 as reported at the December 12th HOA meeting. Tax filing costs will be approximately \$800-1,000. Vener also confirmed that our earned revenue can be offset by Clubhouse building depreciation once the cost/value of the Clubhouse has been determined.

2011 Budget

Bryan will work with Karen Palmer to develop the 2011 budget once the books have been closed for 2010. The board will review and approve the budget prior to presentation to the HOA.

Unfinished Business

Bryan set-up and confirmed the e-mail process on our website with Board members and the ACC. We need to copy HOA member addresses from Outlook to the website so we can send e-mails. Karen P. will work with Linhson Do for assistance. Bryan will work Chet Leach on the ACC web process.

Alex is working to obtain insurance and license for the snow plow truck. Snow plow training has been given to Wes Trudell, Paul Reed, Jeff Palmer and John Kay. Others have also requested the training. Bryan was thanked for his efforts in removing snow around the gate for proper gate operation.

As a follow-up to a request from the last Board meeting, Karen L. reviewed the Clubhouse Rule Book and felt no changes should be made at this time. It was noted that HOA members need to be reminded to have their guests sign the Guest Contract Form the first time their guests visit. Dave moved that we table potential language change, Karen seconded, motion passed.

Karen L. presented a draft opinion poll and proposed rules for use of alcohol in the Clubhouse for Board review. Discussion followed and potential liability issues were noted. It was agreed to table this topic.

Jeff Palmer confirmed language in the Bylaws, Article VI, Miscellaneous, 6.3, page 16, "If there are conflicts between the provisions of the New Mexico law, the Articles of Incorporation, the Declaration (Covenants), and these Bylaws (in that order) shall prevail."

Adjourn:

Alex adjourned meeting at 9:20 p.m.